

ORDINANCE NO. 46-120

AN ORDINANCE AMENDING SECTION 7.40.040 OF THE CODE OF THE  
CITY OF WICHITA, KANSAS PERTAINING TO PUBLIC NUISANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. Section 7.40.040 of the Code of the City of Wichita, Kansas shall be amended  
to read as follows:

**Section 7.40.040 Nuisances.**

It is unlawful for any person to maintain or to permit to exist any nuisance as herein  
described. The following conditions or materials are declared to be injurious to the health and well  
being of citizens of the city and are declared to be nuisances together with those conditions not  
herein enumerated by coming under the definition of nuisance as described in Section 7.40.010.

(1) Wastewater discharged or allowed to accumulate in such a manner that it does or may  
allow direct human contact with human or animal excrete, organic or inorganic pollution of ground  
or surface water, breeding, harboring or attraction of rodents, or the emission of offensive odors;

(2) Dead animals except those at slaughter houses and except those considered industrial  
refuse that are properly maintained for processing or disposal;

(3) The discharge into the atmosphere of any gaseous or particulate matter resulting from  
the combustion, reduction, processing or manufacturing of materials from any source which causes  
or may cause injury to the health of individuals, damage to business or property, endangers the  
public welfare from any known or anticipated adverse effects associated with the presence of such  
discharged matter in the ambient air, or emissions or from any single source which exhibit the  
following opacity:

- a) greater than 40 percent opacity for sources existing on or before January 1, 1971;
- b) greater than 20 percent opacity for sources constructed after January 1, 1971;
- c) all incinerators regardless of date of construction are limited to 20 percent opacity.

The determination of opacity of air emissions or discharges shall be made by methods as set out in 40 CFR 60, appendix A, method 9, as amended, which is incorporated by reference.

(4) Open basement structures, excavations, swimming pools, storm cellars, or other excavations that create hazards to any persons, collect water or produce mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the purpose and having openings not larger than two inches in the least dimension;

(5) Growth of noxious weeds and/or unwanted or unkempt vegetation that are over twelve inches high on any premises and in streets and alleys in front of and abutting on any premises in the city;

(6) Water impoundments;

(7) Refuse not stored or disposed of as provided for in Chapter 7.08 of this code;

(8) Sanitary sewage or wastewater not managed or disposed of as provided for in Chapters 16.12 and 16.20 of this code;

(9) Salvage material, junk or other materials on residential premises or vacant lots in residential areas except as provided for in Section 7.40.080 of this chapter;

(10) Animal excrement not managed or disposed of as provided in Chapter 6.12 of this code;

(11) Excessive noise resulting from industrial or commercial operations;

(12) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses and vacant houses and commercial structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children or to be offensive to the senses;

(13) Interior furniture stored, maintained or used on the exterior of a dwelling or dwelling unit which is so dilapidated and deteriorated as to be a potential accident hazard, a harborage for insects, rodents or vermin or which emits offensive odors.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 16th day of March, 2004.

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Carlos Mayans, Mayor

ATTEST:

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Karen Schofield, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law